

PATENT**REMARKS**

Claims 2, 3, 5-24 and 26 are currently pending in this application. Claims 1, 4, 25 and 27-64 have been cancelled without prejudice. Reconsideration is respectfully requested in light of the above claim amendments and the following remarks.

The Examiner rejected claims 2-8, 10, 11, 15-17, 19, 20 and 22-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,379,300 to Haubrich. Applicants respectfully traverse this rejection.

Applicants' claimed invention as recited in independent claims 3, 8, 10 and 19 is directed to an implantable cardiac therapy device with a housing to hold both cardiac therapy circuitry and high-frequency communication circuitry. For example, claim 3 recites an implantable cardiac therapy device that includes cardiac therapy circuitry and communication circuitry adapted to transmit and receive communication signals via an antenna to enable high frequency communication. The recited implantable device also includes a casing having a first chamber to house the cardiac therapy circuitry and a second chamber to house the communication circuitry. (Underlining added for emphasis only). Applicants respectfully submit that Haubrich does not disclose or suggest the recited claim elements.

The Examiner alleges that Haubrich discloses a device having a casing with a first chamber in the form of enclosure 12 and a second chamber in the form of header 14 that isolate pacing/sensing circuitry 28 from communication circuitry in the form of an antenna and diplexers. What Haubrich actually discloses is an implantable device having a first casing in the form of "a hermetic metal enclosure 12" and a second casing in the form of connector block 14. (Haubrich, col. 2, lines 49-53). Thus, Haubrich does not disclose or in any way suggest a device having a single casing with two chambers. Rather the device of Haubrich has is formed by two separate casings.

Further, Haubrich does not disclose or suggest communication circuitry stored in a second chamber of the casing which is adapted to transmit and receive signals via an antenna. Rather the diplexers pointed to by the Examiner are simply high pass and low pass filtering circuitry located internal to the first casing 12 and external to the first casing. (Haubrich, col. 3, lines 61-65). In fact, the communication circuitry of Haubrich,

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namely transceiver 24 is stored in housing 12 along with the pace/sense circuitry (Haubrich, col. 2, lines 65-67).

Haubrich does not however disclose or suggest an implantable device having casing having a first chamber to house the cardiac therapy circuitry and a second chamber to house the communication circuitry as recited in independent claim 3. Accordingly, applicants respectfully submit that independent claim 3 is novel and unobvious over Haubrich and is therefore allowable. Applicants further submit that claims 2, 5-7 and 9 that depend from claim 3 are allowable as is claim 3 and for additional limitations recited therein.

Independent claims 8, 10 and 19 recite similar limitations and are therefore also allowable. For example, independent claim 8 recites an implantable cardiac therapy device having a casing having a first chamber to house cardiac therapy circuitry and a second chamber to house an RF transceiver and a diplexer and a filtered feed-through to pass low-frequency signals from the second chamber into the first chamber. As noted above with respect to claim 3, in the implantable device of Haubrich the "circuitry within device housing 12 includes a transceiver coupled to antenna 20 and pacing/sensing circuitry ..." (Haubrich, col. 2, lines 65-67). Thus, in Haubrich, the RF transceiver is contained within the same chamber/casing as the pacing/sensing circuitry.

Haubrich does not therefore disclose or suggest an implantable device having a casing having a first chamber to house cardiac therapy circuitry and a second chamber to house the RF transceiver as recited in independent claim 8. Accordingly, applicants respectfully submit that independent claim 8 is novel and unobvious over Haubrich and is therefore allowable.

Similarly, independent claim 10 recites an implantable device having an encasing constructed to define first and second chambers in frequency isolation from one another, the first chamber housing first circuitry to handle low-frequency signals and the second chamber housing second circuitry to transmit and receive high-frequency signals via an antenna. As noted above with respect to claims 3 and 8, in the implantable device of Haubrich the "circuitry within device housing 12 includes a transceiver coupled to antenna 20 and pacing/sensing circuitry ..." (Haubrich, col. 2, lines 65-67). Accordingly, applicants respectfully submit that independent claim 10 is

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also novel and unobvious over Haubrich. Applicants further submit that claims 11-18 that depend from claim 10 are allowable as is claim 10 and for additional limitations recited therein.

Similarly, independent claim 19 recites an implantable cardiac therapy device with a first can to house cardiac therapy circuitry and a second can to house a high-frequency transceiver adapted to transmit and receive high frequency signals via an antenna, the first and second cans being configured to permit electrical communication between the high-frequency transceiver and the cardiac therapy circuitry while preventing high-frequency signals emanated in the second can from interfering with the cardiac therapy circuitry in the first can. Applicants respectfully submit that Haubrich does not disclose or suggest the recited claim elements.

Rather, as noted above the transceiver of Haubrich, which transmits and receives signals via the antenna in the header, is contained in the same can or housing as the pace/sense circuitry. Accordingly, applicants respectfully submit that claim 19 is novel and unobvious over Haubrich and is allowable. Applicants further submit that claims 20-24 and 26 that depend from claim 19 are allowable as is claim 19 and for additional limitations recited therein.

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance. Therefore, entry of this amendment and an early notice of allowance are requested.

Respectfully submitted,

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Date



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